

PRE-EMPLOYMENT SECURITY PROCEDURES  
OF THE INTELLIGENCE AGENCIES

US REGISTRY

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HEARINGS

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT

OF THE

PERMANENT

SELECT COMMITTEE ON INTELLIGENCE

HOUSE OF REPRESENTATIVES

NINETY-SIXTH CONGRESS

FIRST SESSION

MAY 16, 17, 24 AND JUNE 21, 1979



U.S. GOVERNMENT PRINTING OFFICE

WASHINGTON: 1980

55-423 O

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more technical type of thing. I would really rather Mr. Gambino speak to this question of SCI in defining it and dissecting it.

Mr. LATIMER. The point is, though, that within State your own EXDIS/NODIS is not—you don't consider that a part of the DCID 1/14.

Mr. ACKERMAN. No, sir, we do not.

Mr. LATIMER. Then the question is, as Chairman of the Interagency Security Commission, are you happy with the fact that one or another of the intelligence community—I assume State has its own compartmented system, that other agencies must, too. Should they be under DCID 1/14?

Mr. GAMBINO. No, sir. We have just undergone a rather extensive review, as I believe you are aware. It hasn't been completed yet, where some of these special distribution systems within State Department and other areas were considered for inclusion in a system which we feel will be an improvement over our present SCI system, and I believe it was concluded that the EXDIS and some others at State should not be in the compartmented area.

Mr. ACKERMAN. I would like to add, Mr. Latimer, to that. I wouldn't want the committee to be left with the impression that our EXDIS and NODIS are held exclusively in-house. Quite the contrary. The object of those controls, as I said, was to see that the people who should see these things to carry out their responsibilities see them, and conversely that people who do not need to see them, don't. This includes the entire U.S. Government. The control of dissemination is retained in State, but these messages are distributed all the time, albeit on a very limited basis, to everybody in the intelligence community that needs to see them.

Mr. LATIMER. Would you say that is also true of the purpose of DCID 1/14, as a positive as well as a negative, trying to get information to the right people?

Mr. GAMBINO. Absolutely; yes, sir.

Mr. ASPIN. Thank you.

Anybody else?

OK, why don't we, Mr. Gambino give you a chance to give your statement and then we can ask you some more questions.

#### TESTIMONY OF ROBERT GAMBINO, DIRECTOR, OFFICE OF SECURITY, CENTRAL INTELLIGENCE AGENCY

Mr. GAMBINO. All right.

Mr. Chairman, the personnel security program at the Central Intelligence Agency was developed over many years and represents the cumulative thinking and judgment of many individuals including past and present Directors of Central Intelligence, Deputy Directors, Directors of Security, and other senior officials of the Agency. I feel that our policies and procedures are essentially sound, and they will continue to be a reliable set of tools to assist us in preventing the penetration of the Agency through its personnel by foreign intelligence services or other organizations whose interests are inimical to those of the United States.

It should be emphasized that a strong and viable personnel security program is not totally dependent upon the Office of Security stand-

ing alone. Experience has taught us that to be truly effective we have to work in close coordination and cooperation with other elements of the Agency, particularly the Offices of Personnel and Medical Services, which share with us major responsibilities in the screening area. It is my opinion that this team effort has served the Agency extremely well through the years.

I propose to describe briefly the activities of these sister components, and then focus more detailed attention on our security screening procedures.

Annually, the Office of Personnel asks each component of the Agency for a statement of personnel needs for the next fiscal year. From the components' responses, the Office of Personnel prepares the Advanced Staffing Plan for the ensuing fiscal year. This is a listing of total personnel needs by category of personnel and occupational job titles.

Recruitment guides are also prepared by each component. They list job functions, education and language requirements, experience desired, salary range, types and location of employment, a statement as to special clearance requirements, and other miscellaneous needs. The Office of Personnel then consolidates into a single document the total personnel needs of the Agency by directorate.

The recruiters fill the Agency personnel needs by utilizing direct newspaper advertising or contact with appropriate sources in universities, military bases, field offices, private industry, vocational-technical institutions, Office of Personnel Management, or contacts with current and former employees. These recruiters are scattered throughout the United States.

Once the applicant is located and identified, initial interviews are arranged with the recruiter. The most promising candidates are asked to submit résumés and, in some cases, the recruiter arranges for the professional applicant test battery to be administered. The recruiter will then send in his report of interview along with his recommendation and other pertinent papers to headquarters for action.

Applicant processing usually begins with the receipt of an application for employment in the Office of Personnel. If interest is generated in a particular Agency component, and after a name check is made of Office of Security records, a preprocessing interview and any required aptitude or occupational testing are arranged. Once a component is interested, entrance on duty processing is initiated. EOD processing requires the completion of a personal history statement, a report of medical history, authorization to release information forms, and applicant information sheets. The latter describe the special nature of the Agency relative to employment and security processing, as well as the security and suitability requirements for employment. The applicant is advised in writing that a polygraph is a condition precedent to employment.

On completion of Office of Security and Office of Medical Services processing, and upon clearance from these offices, the Office of Personnel will contact the gaining office for assurance that a position is available and that it is ready to receive the applicant upon a mutually agreeable date.

Upon entrance on duty, the new employee is given the oath of office, followed by briefings on Agency organization, benefits, and administrative practices and extensive security briefing.

All applicants are required to complete medical processing prior to entry on duty. This processing consists of a physical examination, psychiatric screening, and in some cases psychological assessment. The physical examination which consists of accepted and usual medical testing techniques, is appraised by a medical doctor who determines whether the applicant is physically qualified for employment.

Psychiatric screening begins with the receipt and review of the applicant's report of medical history. Should pertinent psychiatric information be noted, the report is forwarded to the psychiatric division for evaluation. Depending upon the nature and extent of the information, the psychiatric division may request additional information from the applicant or his physician.

During the applicant's headquarters processing, he will complete the Personal Index, a psychiatric personal history questionnaire. The index is then carefully screened by a psychometrist; depending on the nature of the information developed, or existing recommendations in the file, the psychometrist will refer the applicant for a psychiatric interview. A report of interview will be prepared, reviewed and analyzed by professional staff members and an appropriate recommendation for disposition will be forwarded through command channels.

Psychological assessments may be requested by operating officials and are mandatory in a number of cases. The assessments are not for medical screening, but are used to match the skills of an applicant with his projected assignment. They may contain significant information as to the suitability and flexibility of the applicant.

The agency's investigative and adjudicative authorities are set out in the National Security Act of 1949, and the CIA Act of 1949. These authorities were expanded upon in Executive Orders 10450 and 12036, various of our own headquarters regulations and DCID 1/14.

Agency regulations stated in part that it is imperative that agency personnel be persons "who are of excellent character, and of unquestioned loyalty, integrity, discretion, and trustworthiness." That was lifted out of 10450. It is also stated that reports of investigations will be reviewed in each case by the Director of Security who will make the final security decision as to the acceptability of the individual for assignment to or retention in CIA, except those cases that, in his opinion, or in the opinion of the interested operating officials, should be referred to the Director of Central Intelligence for final decision.

Security processing includes the scheduling and conduct of the investigation. The investigation is designed to establish the applicant's bona fides and determine that he or she is of excellent character, of unquestionable loyalty, integrity, discretion and trustworthiness. FBI checks are conducted on the applicant's spouse and a parent if the applicant is under 21 years of age. Civil Service Commission—that's the Office of Personnel—files are checked along with those of other appropriate national agencies such as the Department of Defense Central Index of Investigations, and the Immigration and Naturalization Service in appropriate cases. Field investigation may be curtailed if the applicant has been investigated by another agency.

The field investigation covers the most recent 15 years of the applicant's life, or from age 17, whichever is shorter. Birth is verified in order to establish the applicant's identity, parentage, and citizenship.

All education, employments, and neighborhoods are covered; teachers, fellow students, supervisors, co-workers, and neighbors are interviewed to the extent possible. In addition, a minimum of five character references, including peers, are interviewed. Police checks are conducted in all areas where the applicant has lived, worked or attended school, and credit reputation is established through interviews and/or credit reporting agencies. Where applicable, overseas CIA station checks are conducted. Suitability and security factors explored by the investigator include family background, reputation and loyalty of spouse, close relatives or cohabitee as well as the applicant's health, habits, associates, morals, loyalty, financial standing, ability, personality, and other character traits, and foreign travels.

In view of the sensitive intelligence and counterintelligence mission of the Agency and in support of the statutory responsibility of the Director of Central Intelligence to protect intelligence sources and methods from unauthorized disclosure, the use of the polygraph is authorized as an aid to investigations associated with determining the loyalty, security, and suitability of individuals for Agency employment or affiliation.

All persons employed by, assigned to, or detailed to the CIA in a staff status or whose Agency affiliation gives them staff-like access to Agency facilities, operations, or information, as well as applicants or candidates for such positions or affiliation, are subject to the requirement of being polygraphed.

The Director of Security is responsible for the operation of the Agency polygraph program. The application of polygraph techniques and the conduct of polygraph examinations within the Agency are done only by security officers specifically designated by, and operating under the career cognizance of the Director of Security, who provides policy and technical supervision.

The basic responsibility for collating all of the essential data on an applicant rests with the appraiser who insures that the investigation is complete, and that all appropriate issues are covered in the course of the polygraph interview. This personnel security officer summarizes all the essential elements of the case, and makes an appropriate recommendation in terms of approval, security disqualification or referral to the Applicant Review Panel on suitability grounds. And I will describe the Applicant Review Panel in just a moment. We feel that our adjudicative process as developed through the years is fair to the applicant and also serves the best interests of the Agency in screening out individuals who do not meet the standards of EO 10450 or DCID 1/14. The following ground rules apply in this adjudicative process.

The case is analyzed by an appraiser who has the freedom to vote his or her conscience in making an appropriate recommendation. There is no pressure from above.

We operate on a system of checks and balances, in that the case is reviewed by a number of senior experienced security officers where there is serious derogatory information and a negative recommendation is being made.

In all cases we consider the total person in order to present a balanced picture which covers both the favorable aspects of an applicant's background as well as problem areas.

I consider this to be an extremely important duty, and no one below the Director of Security can security disapprove an applicant. There has been no delegation of responsibility in terms of denial below the Director of Security.

The DCI, of course, has the final authority in terms of an appeal process.

The Applicant Review Panel was established in 1953 to adjudicate all significant suitability information available through the Agency employment screening procedures. Data is shared among the ARP members; namely, the representatives of the Office of Medical Services, the Office of Personnel and the Office of Security. It is subjected to systematic adjudication before a decision affecting employment is made.

Adverse suitability information coming within the purview of the ARP may be broadly defined as follows: emotional instability and immaturity, personality idiosyncrasies, limited mental capacity including scholarship deficiencies, physical impairments, limitations precluding adaptability and flexibility, poor employment record, financial irresponsibility; including spending habits, excessive alcohol use, and marital difficulties.

A representative of any one of the three officers may refer a case to the ARP based on suitability information developed during the course of the screening process. It may be data of such a nature that standing alone it does not justify an applicant rejection, but when related with data existing in other offices, it may acquire greater significance. The ARP is chaired by the Office of Personnel representative and the ARP makes recommendations to the Director of Personnel who makes the decision to accept or reject the applicant's employment with the Agency.

In conclusion, I would like to state that by and large the Central Intelligence Agency is composed of very dedicated, hardworking, and capable employees. It is my opinion that the screening officers have served jointly as an effective unit which has contributed to the high degree of selection enjoyed by the Agency. In my view, we are bringing on board individuals of high caliber and diverse backgrounds who possess an extremely wide variety of education, skill, and experience. At the same time, we are screening out those persons who do not meet Agency security and suitability standards.

Thank you, Mr. Chairman.

Mr. ASPIN. Thank you, Mr. Gambino.

Let me just go through a couple of things, a lot of which you covered and we would like to flesh out a little bit.

First of all, basically, is your authority for this the same as the authority which the State Department's, the DCID 1/14 and the Executive Order 10450?

Mr. GAMBINO. No, sir, I believe the CIA or the Director of CIA and by delegation my authority stems from two basic statutes, the CIA Act of 19— the National Security Act of 1947 and the CIA Act of 1949.

Mr. ASPIN. And which parts of that give you authority, if you could just for the record explain it?

Mr. GAMBINO. Well, the part that jumps out immediately, of course, is the Director's statutory authority to protect intelligence sources

and methods. Now, obviously, he would be unable to do that unless we had a security system which would effectively limit access to Agency material and operations to those people who enjoy a high degree of trustworthiness of unquestionable loyalty to the United States.

Mr. ASPIN. The steps you have in your clearance procedure, now, taking a potential employee through the steps, could you briefly go through it?

The first thing would be that they would be required to fill out forms that would be giving general biographical data and other information.

Mr. GAMBINO. Yes, sir, we have a 17 page personal history statement.

Mr. ASPIN. OK. You have a 17 page form that is a personal history.

Mr. GAMBINO. That stops a lot of people right there.

Mr. ASPIN. Filled out in how many copies?

OK, so you fill out that. Then what do we go to? We go to the background investigation?

Mr. GAMBINO. Well, there are some preliminary steps.

Mr. ASPIN. Go through, if you could just briefly mention the steps without going into a lot of detail.

Mr. GAMBINO. Well, of course, the first thing we do would be check people listed on the personal history statement through our own indices.

Mr. ASPIN. OK.

Mr. GAMBINO. And then we would initiate a national agency check.

Mr. ASPIN. OK.

Mr. GAMBINO. If we found something on a personal history statement that indicated that the individual may have a problem meeting our security standards, we may call for a personal interview, but we do not do that in every case, don't do that in very many cases, but we do, if there is some indication in the case that it would be a worthwhile step.

If from examining the personal history statement we find that the individual has had a previous clearance, say with the State Department or some other Government agency, we would immediately zero in on that agency and try to obtain as quickly as possible a copy of their investigation. We would do that, we would review the investigation and see whether or not we would have to bring it up to date or what we have to do in order to cover the 15 years which is required by our standards.

Assuming that the individual is a young person that has never had a clearance before in government, then we would examine the personal history statement and send out requirements for investigation based on our need to establish birth by original records, birth, education, employment, residences, police, and credit in all the areas that he has lived throughout his life for 6 months or more, and even less than 6 months if study of the PHS indicates that that would be a necessary check.

After that investigation is completed, it comes back into our headquarters component where an individual—an appraiser we call him—a security officer who in most cases has been an investigator and now is on assignment in the adjudication area, would examine the results of the investigation and see that it met the headquarters requirements,

and then he would study it to see whether or not there would be any areas developed in the background investigation that should be explored by the polygraph.

If there is data as a result of our investigation which shows us that he does not meet the standards, the investigation can be completed at that point with an adverse determination; he does not meet the standards.

Mr. ASPIN. Before the polygraph.

Mr. GAMBINO. Before the polygraph.

However, if that is not the case, then the material, the background material, is forwarded to the polygraph branch; an examiner is assigned to the case; he studies the background investigation and then a polygraph examination is conducted.

The polygraph examiner has no role whatever in the adjudication. His job is to conduct the examination and obtain information, and then his report is sent back to the appraiser who puts everything together and then makes a recommendation. If the recommendation is favorable, it goes up to the branch chief. If he concurs that the individual meets all of our standards, then at that point, a favorable determination can be made and the case ends.

However, if there is an adverse recommendation, then it comes up through our command channels through division level in through the Deputy Director of Security, where at each level the individual is required to make a statement as to the reasons why he thinks the individual does not meet our standards and some rationale. And then it comes to me for final determination.

As I mentioned in my statement, an adverse determination cannot be made below the Director of Security.

Mr. ASPIN. So you are the one that sees the ones where there is an adverse recommendation along the line.

Mr. GAMBINO. Yes, sir.

Mr. ASPIN. If there has been approval and it is a routine thing, then do you even get involved?

Mr. GAMBINO. Very rarely; yes, sir.

Mr. ASPIN. Yes, sir. You conduct a polygraph after the background investigation, and I am kind of interested in the rationale for that because the NSA does it the other way around.

Could you explain why you have the polygraph after the background investigation? Why is that?

Mr. GAMBINO. We feel that the polygraph operator can conduct a better interview if he knows as much about the individual as we can find out about him at the time the polygraph examination is scheduled. There is no doubt that a lot of material which would result in a person's—an adverse determination, can be developed at the beginning of the investigation. However, the more difficult areas to explore, such as perhaps loyalty or other areas that we are very interested in, we feel can be handled much better if the polygraph officer is better informed.

Now, there are some cases where we have seen by experience that we have a high rate of loss and that it just is not economically justified to conduct the investigation first, we have reversed the process, and there are some areas where we do do the polygraph at the beginning. But in our staff cases, the rule is after the investigation is completed.



Mr. ASPIN. Is it your policy, then, that everybody goes through this procedure that you have outlined? There is no difference between special, SCI clearance, or other kind of clearances? You have just one standard?

Mr. GAMBINO. One standard. Everybody who is accepted for employment by CIA meets the same standards.

Mr. ASPIN. OK.

So the same number of years back, not like the State where you have a 7-year background for one, or 15 years for another. You have just the same standard no matter what that person is going to be doing for you; they go through the same procedure.

Mr. GAMBINO. That's right; yes, sir.

Mr. ASPIN. Bill, would you like to ask some questions?

Mr. YOUNG. Yes, sir, Mr. Chairman, if you are at a good breaking point.

Mr. ASPIN. Sure.

Mr. YOUNG. I would like to discuss the polygraph testing further.

There was a story in the New York Times on April 4th of this year—you are probably familiar with it—talking about how Admiral Turner has waived polygraph tests for at least two cases, and it goes on to say that this has created quite a controversy within the Agency.;

Is that accurate? Has it created this problem?

Mr. GAMBINO. Well, as usual, in newspaper articles like that, it is inaccurate. There is one case in which the Director has waived the polygraph, not two.

Mr. YOUNG. Was that the case of the former serviceman?

This mentions two specifically; one was an applicant who did badly on the polygraph because he was more or less sponsored by John Koehler. The second applicant had been in the military service but declined to take the test on the grounds that it violated his moral principles.

Which one of those is the one that is for real?

Mr. GAMBINO. The latter one. The former one, the individual was tested. He was, in this process as I outlined to you, we made a recommendation and the Director didn't agree with it. It happens all the time in our processing of these cases. Many times my division chief will recommend a person be disapproved and I will approve him. So there was nothing, you know, dramatic or different in the process. It is just that very rarely do I feel a need to take a case to the Director, and I took that case to the Director.

So I think the reason it created a little notoriety is that it is not very often that a case like that goes to the Director. I normally make the decision.

Mr. YOUNG. Do you have trouble filling the personnel slots of CIA?

Mr. GAMBINO. The personnel slots? You mean the Office of Personnel?

Mr. YOUNG. Yes; do you have trouble getting people to fill jobs?

Mr. GAMBINO. I don't believe we have that trouble; no, sir. We may have some spot problems, but overall, I think that we are not having any problems filling jobs.

Mr. YOUNG. Well, I was wondering why, if there was even a question about an applicant, it would require even your personal decision or the Director's, why you would even consider that individual rather

than going on to someone who didn't have that question in his back-ground.

Mr. GAMBINO. Well, because, sir, in fairness to the individual, we have to—you know, a lot of this is very subjective, and we have to come to the conclusion I think that based on all the evidence, you know, there either is a substantial doubt as to whether or not this individual can protect the information he is being given access to. If there is a substantial doubt, obviously you would have to resolve that in favor of the Agency, but in examining some of these things, reasonable people can differ as to the significance of some of the information, and this is what happens in some of these cases where there are differences of opinion.

Mr. YOUNG. I was going to ask you how many potential employees have been turned down in the last 5 years because of information on subversive activity? Let me change that to say what percentage?

Mr. GAMBINO. You mean just total, for all reasons?

Mr. YOUNG. Just an idea roughly, of those who applied to you, what percentage of them have been turned down because of information relative to subversive activities on their part.

Mr. GAMBINO. Sir, I would have to do some more looking.

I can tell you that over the past 5 or 6 years, the average, all security turn-downs for all reasons, pretty much around 10 percent, along in there somewhere, and there is another 3 to 5 percent from this ARP, the Applicant Review Panel that I mentioned to you. So we can say it is fairly consistent over the years of about 13 to 15 percent of the applicants are turned down, and these are applicants now that have been put in processing and by and large go through the entire processing where a decision is made.

There is a much higher rate of total number of people that apply versus the people that go on board because a lot of people lose interest or get jobs with other agencies, or various and sundry reasons where they voluntarily withdraw.

So of the ones that go into process, about 15 percent are turned down by the Agency.

Mr. YOUNG. Hold on just 1 second.

[Pause.]

Mr. YOUNG. In the case of Mr. Kampiles?

Mr. GAMBINO. Kampiles, yes, sir, I know the name well.

Mr. YOUNG. And the KH-11.

Mr. GAMBINO. Yes, sir.

Mr. YOUNG. How long had he been an employee of CIA?

Mr. GAMBINO. Very short period of time, less than 1 year.

Mr. YOUNG. Was he given a polygraph?

Mr. GAMBINO. He certainly was, yes, sir.

Mr. YOUNG. No waivers, no reason to suspect that he would be a problem?

Mr. GAMBINO. No, sir. I have personally been over that case, as you might suspect, many times. There is nothing, not one bit of evidence on the part of the background investigation that was conducted by CIA, the polygraph or the other screening processes that he went through which would indicate that this individual was other than

a loyal American citizen who had aspired to a job with the Government and was pleased to be with a national agency.

It later developed, of course, as you know that he wasn't well satisfied with the job that he got with the Agency, but the background investigation, the security processing, gives us no clue whatever that Mr. Kampiles would be a future problem.

Mr. YOUNG. Is it possible that he was one of those who just was so well programmed in advance that he knew what to look for, he knew what kind of answers to give?

Mr. GAMBINO. I don't think so, sir, and we have some reason to believe that is not true. I would be happy to go over it in executive session, but we have reason to believe that he was not programmed, that this was a quirk.

Mr. YOUNG. Greed?

Mr. GAMBINO. Maybe a little greed.

Mr. YOUNG. Well, I'll not pursue that, but I would like to discuss it in executive session. It is very curious when something like that does happen. I know that it has got to affect you personally, and you looking back through the whole process to see what went wrong. I can understand that.

But I won't pursue it now because of your concern on that.

Mr. GAMBINO. I would be happy to go into detail.

Mr. YOUNG. I appreciate that.

I asked you earlier about the effectiveness of the FBI files for your subversive activity checks. Do you use other sources beside the Bureau?

Mr. GAMBINO. Sir, we check all the national agencies.

Certainly the Bureau is a check that we make in every case. Some of the others we don't make in every case, it depends on what the individual's background was, but we do check the DOD files, State Department files, Civil Service Commission, FBI, Immigration and Naturalization if either he or his wife or his parents were naturalized. It depends on the background who we would check. But we make maximum use of other Federal agencies' files.

Mr. YOUNG. And you find a similar problem with them that you do with the Bureau as far as Freedom of Information effect and Privacy Act effect.

Mr. GAMBINO. Yes, sir. I think it is more acute in the Bureau because being our national agency devoted, you know, to internal security matters, we rely on them very heavily.

I might say that the Privacy Act and the Freedom of Information Act has made our job more difficult. It certainly has not made it impossible. We have to work harder. I think our investigations today are as good as they were in the past, but it means we have to expend much more effort. I think that the Privacy Act, the Buckley amendment, the Freedom of Information Act in general has a chilling effect on every person you talk to, or just about every person, for the same reasons that Mr. Ackerman mentioned. And this is particularly true when you try to develop information in prior employments. We find very often that the companies with whom the individuals associated are

very reluctant to give you anything other than he began work on such and such a date and he worked on such and such a date, and even when you ask them is he eligible for rehire, they say we will make that determination if he ever reapplies.

So it makes it—that means instead of getting information from that source, that we have to now talk to coworkers and colleagues in greater numbers perhaps than we had to do before, and with the mobility of our population, it means a lot of weekend work, and so forth, on the part of our agents, but I think that we are doing a job that is as good as it was in the past. It just means we have to work harder.

Mr. YOUNG. Well, I am glad you are willing to speak out on that subject and not try to take the position that well, we can get by with it, it makes it a little harder. But I appreciate your being very frank on it.

I have taken the opportunity to visit with a number of field offices, CIA as well as FBI, here at home and also overseas, and in talking with the people that are out there in the field, they have this very same concern, and they express it a little more graphically than you did, sir, in some cases, and I am hoping that we will be able to find some way to give you a little help on that because I for one recognize the real serious problems that those two acts present to people like yourselves that have been given the tremendous responsibility of security for the country. So I am going to continue my campaign to try to notify the public about it, and hopefully we can come up with a thoughtful legislative approach to maybe help get you so you are not in such a difficult position because of something we did.

Thank you very much.

Mr. GAMBINO. Thank you, sir.

Mr. YOUNG. Thank you, Mr. Chairman.

Mr. ASPIN. Thank you, Bill.

Let me, Mr. Gambino, ask you a couple of questions.

First of all, to the background investigation, why do you do a 15-year background investigation? How did you decide on that number in the light of the others doing something different, like the State Department is doing a 7-year investigation?

Mr. GAMBINO. Well, we felt, we believe that because of the nature of the work that CIA does, and the fact that everybody who comes into CIA has potentially the same access as everyone else, that we have to err on the side of more coverage rather than less.

I must say, though, Mr. Chairman, that when you say 15 years, that implies an awful lot of work that really isn't there because the same thing is true of the Agency as is true of the State Department in that many of our applicants are young people, and when we just go back to the 17th birthday or the 18th birthday, we are talking about 5 years.

Mr. ASPIN. Well, that's another curious anomaly.

Mr. GAMBINO. Well, that means we include the whole year of the 18th. There's just a difference in semantics there.

Mr. ASPIN. I see. So it isn't a difference, they go back to the 18th, you go back through the 17th.

Mr. GAMBINO. Through the 18th, yes. To the 17th.

Mr. ASPIN. You go back to the 17th.

Mr. GAMBINO. Yes, and we include the 18th birthday. After all, he reaches majority now, and under—is seeking employment as, we used to say, an emancipated minor, but now he is, you know, at 18 years old in most States he is no longer a minor.

So very few of our investigations really go back 15 years, but if a person is of an age that it requires it, then we do go back 15 years or back to the 17th birthday.

Now, Mr. Ackerman mentioned, under the sponsorship of the Security Committee we do have an investigative standards working group that is attempting by selecting a large number of cases to come up with some information that we could use and manipulate in automatic data processing ways, to tell us really whether or not a 15-year investigation is good or can we do it with 7? How often do we find information in the first 5 and so on, so we can have a more empirical base upon which to base a decision on whether or not we should have it 15, 10 or whatever.

We hope to be able to have that information, and of course will provide it to the committee and to the other agencies that are interested.

Mr. ASPIN. You do your own background investigation, as does the State Department.

Do those people who do the background investigations also have competing duties as the State Department was concerned, Mr. Ackerman was talking about their dual function; they also are supposed to protect foreign dignitaries when they are in the country, at least in that city. Do your investigators have that kind of dual functions? Are they worried about other jobs that they have to do?

Mr. GAMBINO. No, sir, none. To a very minor extent, and it doesn't impact on our investigative duties.

Mr. ASPIN. So what would you think of the possibility of the idea of having one central agency or group to do background investigations, maybe not to do the whole clearance, but at least to do background investigations, to combine that function which is now done internally by the three separate agencies, Defense, CIA and State? What would you think about combining that under one direction, I suppose under the DCI it would have to be, but having some central place that would conduct at least that part of the investigation?

Mr. GAMBINO. Well, if it was under the DCI, it wouldn't be too bad an idea. Or if you could centralize all of them except CIA, it wouldn't be a bad idea.

Well, sir, I really believe that, for some reasons I would like to go into an executive session, that the Agency does need its own investigative capability. As you know, historically the Bureau was involved in doing our investigation years ago. We found that that was not a satisfactory arrangement, and I think that the differences in the missions of the various agencies the responsiveness, if for no other reason, would dictate that we do have some different—each agency with their own capability, and I am not sure that that is not cost effective in the long run. As I say, responsiveness is a very high priority item. People that we seek for CIA employment are being sought after by many other firms and Government agencies. If we can't respond and provide security clearance in a reasonable period of time, that person goes someplace else, and I am sure that is true for State Department and other areas.

My concern would be a large consolidated central investigating unit would be with the quality of the investigation and the responsiveness to the various agencies that depend on this very vitally to get their people, whether they be the young people coming in at the lower grades, or senior people, scientists, engineers, and so forth who come in at the supergrade area.

Mr. ASPIN. You see the same kinds of problems, I take it from some of your answers to Bill Young, that Mr. Ackerman was talking about in conducting the background investigations of the problems with privacy and cooperation.

Mr. GAMBINO. Yes, sir, very definitely.

Mr. ASPIN. You do accept the work done by other agencies, though, in background checks, clearances. So that if some other agency does do some clearance, you would be involved in supplementing and updating it, you wouldn't start from scratch.

Mr. GAMBINO. No, sir, We go over it to see that it meets our requirements and maybe supplement it here and there, but we would accept it. I am sure you are aware, sir, that we actually get the copies of the investigation, the FBI will give us a copy of their investigation and we are able to see the actual report from State Department, and State Department representatives visit us and we show them our reports so they can see the—

Mr. ASPIN. They get the actual files.

Mr. GAMBINO. Yes, sir.

Mr. ASPIN. Let me ask a little bit about the polygraph.

First of all, the CIA uses it for all employees.

Mr. GAMBINO. Not only all employees, but everyone assigned in a staff-like capacity with the Agency.

Mr. ASPIN. So you use it for the whole thing.

Tell me what is your opinion on its reliability and its usefulness and other things?

Mr. GAMBINO. Well, its reliability in the terms that it does what we ask it to do is very, very reliable, and you can see from the statistics going back almost 30 years in our use of the polygraph, the number of people who have not been accepted for Agency employment based on polygraph, either polygraph alone or polygraph to supplement the background investigation, you will find it fairly consistent that 24.5 percent of the cases that background investigation alone, and in 74 or 75 percent of the cases, that polygraph, or polygraph in conjunction with the background investigation.

Mr. ASPIN. These are people who have been turned down? I mean, this is security—

Mr. GAMBINO. People who have been security disapproved.

Mr. ASPIN. Security disapproved, it is about one-quarter background and about three-quarters on polygraph.

Mr. GAMBINO. Yes, sir. Now, this is—that three-quarters is polygraph with the background investigation.

Mr. ASPIN. Yes.

Mr. GAMBINO. In other words, we have conducted the background investigation. We just don't have enough either to approve or disapprove—

Mr. ASPIN. To make the decision.

Mr. GAMBINO. The polygraph expands our area of knowledge, and then we can make a decision.

Mr. ASPIN. Would you say, then, that any agency like State Department, that doesn't use polygraph is at a disadvantage in terms of its security capability?

Mr. GAMBINO. Well, CIA has a different mission than State Department. We deal, all of our people deal every day with classified information, much of it very sensitive, some of it, of course, concerning human sources. Our mission is different. I think our program, security program has to be different. And I think the Agency people pretty much have to decide for themselves on whether or not they should use a procedure which in itself is very intrusive by its very nature. And I certainly don't favor expanded use of polygraph except in those areas where we feel we have to use every tool at our command to screen out potential problems.

Now, I would say my own opinion, sir, is that in some areas of sensitive compartmented information, I think it would be a great advantage to us if as a condition precedent to being briefed on a certain compartment, the most sensitive compartments, that a polygraph be required.

Mr. ASPIN. For all, no matter where you work in the Government.

Mr. GAMBINO. Right, to go into that compartment. I think that would be a better basis than for me to suggest that some other agency who does not use the polygraph initiate use of the polygraph.

Our use of the polygraph in the executive branch, as you know, is very spotty. We use it, NSA uses it, but no one else does.

Mr. ASPIN. The Agency, of course, never denies information to State on the grounds that, well, we have had people that have gone through a polygraph or that have gone through a more elaborate procedure of clearance.

Mr. GAMBINO. I don't understand your question, sir.

Mr. ASPIN. Well, what I am getting at is, the problem is, of course, that you are asked also to share information with other people in the Government.

Mr. GAMBINO. Right.

Mr. ASPIN. And different Government levels have their own security clearance, so I guess you just accept what other departments have done in that regard?

Mr. GAMBINO. Yes, sir. There is one thread that runs throughout the intelligence community of consistency, and that is DCID 1/14, standards are set forth. Every person that is cleared for SCI material meets those standards, and once the clearance is granted, if it is granted by State Department or Defense or whoever, everybody in the community then accepts it.

Mr. ASPIN. Is it your opinion, then, that that is adequately worded, and that DCID 1/14 maybe ought to be updated or ought to be re-worked?

Mr. GAMBINO. Well, it was updated in 1976. It sets forth minimum standards. Certainly we can do more. I think something like 1/14 should be looked at periodically, and we certainly, we do that in the Security Committee, and you have to, you know, make a commonsense determination based on resources available and the need, of course, to

take more stringent steps to screen out people who perhaps shouldn't be in the codeword area.

So my answer, sir, would be that I think we probably could do more. At the present time I think it is an extremely valuable document if for nothing else it provides the continuity and the consistency throughout the intelligence community.

Mr. ASPIN. When, for example, you would be providing information to State on a—let's say they wanted your information or they wanted to give clearance to somebody who was going over to work over there on a temporary basis or something, and then you provided your information—your file to them on your investigation on a person's security clearance, does that also include the polygraph? In other words, do you share the polygraph information to other agencies, even though they themselves may not use the polygraph?

Mr. GAMBINO. Yes, sir. If it were an applicant for one of the national intelligence agencies or for a codeword clearance, with the approval of the DCI or the DDCI we would pass information to these other agencies, and I can tell you that it is their feeling that the information should be passed.

Mr. ASPIN. So more often than not, the situation would be that it would be passed.

Mr. GAMBINO. That's right, sir.

Now, the reason why it goes through a special channel is that, we, because of the nature of the polygraph information, we file that information in a separate area, away from the regular security file so that the protection which I think that material should be afforded is afforded, and the only people that see it are people who need to see it to make a security determination.

Mr. ASPIN. To go back to the question that Bill Young was asking about Admiral Turner's waiver of the polygraph, as you point out, you say that there is only really one waiver, and the other was, I guess, a reexamination case.

Mr. GAMBINO. Well, just a difference of opinion as to whether or not—

Mr. ASPIN. How often does a waiver occur? I mean, is that an unusual thing for Stan Turner to issue a waiver in the case of this chap from the military?

Mr. GAMBINO. Yes, sir, very.

Mr. ASPIN. How often has it happened before?

Mr. GAMBINO. I have been the Director of Security since 1975. I don't know of any other case.

Mr. ASPIN. How often is it that the Director would order a reexamination on a questionable case?

Mr. GAMBINO. Well, not very often, but that is not surprising because he doesn't see very many.

There are a number of cases that I have taken to the Director that he has certainly, you know, he concurred with my evaluation and that was that.

It would be rare because he doesn't see very many.

Mr. ASPIN. But do you know, has it ever happened before?

Mr. GAMBINO. This Director or prior Directors?

Mr. ASPIN. Anybody.



Mr. GAMBINO. No, sir, I don't know of personal knowledge of this happening before.

Mr. ASPIN. OK. There is something that we hear about called the psychiatric examination.

Is there a psychiatric exam, and how does that work? And what happens?

Mr. GAMBINO. Well, in the first instance, sir, it is the completion of a battery of tests that are accepted throughout the medical community as a—I don't know the name. I could provide it for you—a battery of tests that is given as a psychiatric screening device. These are reviewed, as I indicated in my opening statement, and only when they find that there seems to be some abnormality or some unusual problem is the person then interviewed by a psychiatrist on our medical staff.

Mr. ASPIN. This is not a routine thing? It is an unusual one?

Mr. GAMBINO. No, it is routine that he is—that they are given the test, but it is not routine that they are interviewed by a psychiatrist. It is only when they feel that that is necessary.

Mr. ASPIN. And what kind of things are they looking for in this examination or this interview?

Mr. GAMBINO. Well, I think I would rather defer to the medics, but they are looking for any mental problem which, by virtue over long experience in this business, would make the individual an unacceptable candidate or marginal candidate because of the stress of cover and the stress of overseas assignments, rotational type assignments, geographical as well as professional flexibility, and other pressures, discipline that CIA employees have to accept. And over the years they have been able to spot some things that have been of assistance to them in raising danger signals. Perhaps it just needs to be further explored, and can be resolved in the individual's favor, but it is just a means of trying to get some signals to whether or not an individual may have problems in the future, or has them now.

Mr. ASPIN. Does anybody else do the psychiatric exam? I know the State Department doesn't, but I don't know if anybody else does the psychiatric exam as part of their clearance procedure.

Mr. GAMBINO. I don't know of any other.

Mr. ASPIN. Let me ask again about the final recommendation. You did explain that, but could you again briefly explain who makes the final determination and how that works?

Mr. GAMBINO. Well, as I say, this material is evaluated. The officer who makes the first evaluation makes a recommendation. It goes up the chain. If it is a favorable recommendation, it goes up to the next level where it is reviewed, and if it is concurred in then the person is accepted from a security standpoint, and word is reported to the Office of Personnel that from a security standpoint he can be brought on-board.

If there is a recommendation, adverse recommendation, then it comes up through the entire chain of command where each individual officer in the chain of command must state whether he concurs that the individual doesn't meet our standards or he does not concur and his reasons for that, and then he signs his name and dates it. I get that material, and then my responsibility is to make a decision on whether he can or cannot enter on duty and no one below the Director of Security can disapprove a person for security reasons.

Mr. ASPIN. Can anybody above the Director of Security make a different determination?

Mr. GAMBINO. I am exercising the DCI's authority, and obviously the DCI can make that determination.

Mr. ASPIN. So if it was his decision to reverse what you did, it would be him, which is similar in the case of—

Mr. GAMBINO. Yes, sir.

Mr. ASPIN. It is then his responsibility, but he has the authority.

Mr. GAMBINO. Right.

Mr. ASPIN. Could you tell us about the case of the grounds to turn down a person? We went through the case you heard when we were discussing with State, with Mr. Ackerman. You know, we are living in changing times when people's attitudes toward things like marijuana, drugs, homosexuality are changing, but wondered to what extent they had changed your security clearance procedures in such a way as to indicate whether a person would now be cleared who hadn't been in the past.

Mr. GAMBINO. Well, I again would have to endorse what Mr. Ackerman said. We feel that our approach is realistic and in keeping with the times, forward looking. Obviously if someone is addicted to drugs, either psychologically or medically is addicted, he would be disapproved. If an individual smoked marijuana in college and is not smoking marijuana now, in all probability—well, he definitely would not be disapproved by virtue of the fact that he had smoked marijuana. We don't play a numbers game: If he smoked it 10 times he is out or 5 times he is in. We look at the recency, frequency, the amount of use, the context in which he used it and everything that we can develop in determining his use or abuse of illegal drugs.

Mr. ASPIN. What if he is a current user?

Mr. GAMBINO. If he is a current user, that would give us great trouble.

Mr. ASPIN. Is that a borderline case or—

Mr. GAMBINO. Well, again, it depends. When you say a current user—and I don't want to set any standards here, but if an individual is a current user of marijuana, and it is a daily use, I can tell you that he would not be approved for CIA employment.

Mr. ASPIN. Suppose he told you, "Look, I use it occasionally, but I do use it, it is part of my lifestyle, I intend to continue that. I would like to come and work for your agency, but not at the expense of changing my lifestyle. I don't use it every day, but \* \* \*" How about that?

Mr. GAMBINO. We would ask him to apply to the—that, he would not be accepted.

We have our own code of conduct, Agency employees will abstain totally from the use of illegal drugs. Now, I am not going to sit here and tell you that we don't have some CIA employees that are smoking marijuana. I am sure we do. And we learn of this from time to time. But that is part of our code of conduct that our employees will not use illegal drugs.

Mr. ASPIN. Is it grounds for dismissal?

Mr. GAMBINO. It is.

Mr. ASPIN. How about the open homosexual that Mr. Ackerman was talking about, the person, not the closet case but the person who says he is not ashamed of it, and so forth.

Mr. GAMBINO. Again I would have to endorse his statement. I'm glad you went first, Karl.

And also, it is a very troublesome question. The only thing I could add is that even in the so-called open homosexual case, he associates with a number of people that have the same lifestyle who are not as open and who, as a matter of fact, may be lovers or close friends who would go to any extent to prevent themselves from being exposed. And so you can make a case for this open homosexual to be as vulnerable through his friends as he would be directly, and I feel that that raises a degree of risk and uncertainty and demonstrates a vulnerability, especially in light of the fact, as Karl mentioned, the medical and psychiatric community is in disarray as to whether or not homosexuality is an outward manifestation of a deeper psychological problem or just a lifestyle that someone has got.

So until we hear something more definitive from the medical profession, I feel it raises a considerable doubt, a risk, and a risk which has to be resolved in favor of the agency.

Mr. ASPIN. Let me ask in terms of the update, the 5-year update, how extensive is that? Is your update review more extensive than the State Department's update?

Mr. GAMBINO. I don't believe so, sir, from listening to Mr. Ackerman. We do essentially the same thing except in all cases we do, we interview supervisors and friends and neighbors, and after that is completed, after reviewing the file and the other things that Mr. Ackerman mentioned, we do have a polygraph.

This polygraph is counterintelligence in nature, and zeros in totally on counterintelligence factors, proper handling of classified information. It is not as extensive or pervasive as the EOD polygraph.

Mr. ASPIN. But there is a polygraph exam at that time.

Mr. GAMBINO. Yes, sir.

Mr. ASPIN. You seem to have a much more extensive program for security clearance than, say, does the State Department.

Does that difference bother you? I mean, do you find that—

Mr. GAMBINO. No, sir, I think that is in keeping with the basic acts that set up the agency. The Congress in its wisdom gave the Director the authority in 102(c) of the act to dismiss an Agency employee in the interests of the United States, and we feel that an agency whose director has been given that kind of authority obviously has a special and very sensitive mission, and so to support him and to make sure the best we can that our mission will be accomplished without compromise by hostile foreign agents, that we feel we have the minimum program that will screen out these elements.

Now, as you know, we were just talking about William P. Kampiles. We have a very extensive program, but certainly it is far from perfect. I think that Kampiles was an aberration, but we never can be sure, and I certainly would be very uncomfortable with anything less than we have.

As a result of the Kampiles case, we are looking at our program to see whether or not we are asking people the right questions. What

motivates our young people today? Certainly we found in Mr. Kampiles a track record which would indicate that he would be a loyal person in the future. He was honest, came from a family extremely loyal and supportive of our democratic way of life. I am asking myself perhaps we should explore some other means to develop information. We are talking to more peers now than we have in the past, to be sure that we get a balanced picture of the individual, and I don't have anything concrete to report, anything better than we are doing in the past, but there are several areas that we are exploring in the Agency that look a little promising that will help us to improve our ability to screen out these people in the future.

I would be happy to go into them in detail later.

Mr. ASPIN. Let me ask, you seem to have a higher percentage of people that you turn down on the basis of security clearance than the State Department has, according to those figures that we have.

Is that—let me give you a couple of choices. Is that because you have a more extensive security clearance procedure, is it because you are more cautious in your judgments, because of the nature of the CIA being different from other agencies, you are a bit more cautious maybe on those borderline judgment calls, or is it because perhaps there is more attempt by the wrong kind of people to filter in, to get jobs at the CIA than at State?

Mr. GAMBINO. No, sir, I really couldn't break that out for you. I think it is a combination of all three, and in addition, I do feel that with the polygraph we do know more about the people than some other agencies know about their people. It is just a matter that we have more information.

The polygraph is an instrument which does provide information concerning areas of an individual's life that just can't be ascertained by a background investigation. We have a number of cases involving habitual shoplifting where the individual has never been arrested, he has never been discovered by the store detective or police, he has no police record. Perhaps a friend or two knows he does this but we either didn't talk to them or when we did they didn't give us that information. That information developed on the polygraph.

If we had to make a decision based solely on the background investigation in that case, the individual would probably have been cleared, but when we developed extensive shoplifting over many years, he would not be cleared, and the polygraph would be responsible or would be the tool that we use to develop that information.

Mr. ASPIN. Do you find that there have been agents of foreign countries that you have found, discovered in the process of this investigation? Does that happen often?

Mr. GAMBINO. No, sir, it doesn't happen often, and I really don't know of a single case that we can tell you with some—tell you positively an individual was an agent of a foreign power.

We have had a number of cases where we think that that may have been true, but I don't know one positively.

Mr. ASPIN. How about the situation of the lifting of clearances once a person has got them? How often does this occur? I mean, for example, do you have many cases that you discover at the 5-year review where you have polygraphed them on counterintelligence, that per-

sons' security clearances have been lifted. I guess the one that broke into the press fairly recently was the *Sullivan* case.

How often does that happen?

Mr. GAMBINO. Well, it occurs but not—well, when you say how often, it happens, you know, annually, but in terms of numbers it isn't large numbers, but it does occur and it occurs, well, fairly frequently.

Mr. ASPIN. Fairly frequently.

And again, you attribute that to the polygraph I take it?

Mr. GAMBINO. No, sir, not entirely. The role that the Office of Security plays in the Agency is one of a partner in the endeavors of the Agency. We try to be supportive of the Agency population. I think most Agency employees are sincere in trying to protect material on which they work and the operations that they are assigned to, and very often we get information from employees that a colleague is having a problem and we investigate it from that standpoint. Sometimes the polygraph is not used, it is not necessary to use the polygraph. We can just, by talking to the individual or doing some outside investigation, either find a problem that is incipient in nature, and then we can get the man back to being a productive employee, or if necessary, dismiss him.

Mr. ASPIN. But as I recall, Mr. Ackerman, you said that in the State Department's case, it did not happen very often that a person would lose their security because of a 5-year review process, is that correct?

Mr. ACKERMAN. That's right. Our ratio there I think would be quite low.

Now, I think something that Dave McCabe added, though, should be mentioned again. In our continuing investigative program, as distinct from an automatic or a routine update, we, of course, have our share of problems, and indeed, some of these lead to employees leaving the Agency, whether it is 5 years or 7 years, or 2 years or 3 years.

Mr. ASPIN. How do you handle a question of a security breach and a compromise of security within the Agency? How is that investigation conducted?

Mr. GAMBINO. Well, we would conduct the investigation—

Mr. ASPIN. Your office.

Mr. GAMBINO. Yes, sir, and depending on how serious it is, would make a recommendation either to the person's division chief or office head, or to the Director. For instance, we have had some cases where the breach was so serious that it indicated just a callous disregard for the most basic of our security procedures. We recommended to the Director that the man be summarily dismissed, and the Director agreed, and he was dismissed. Of course, during the time that we process these things, we do, if we feel necessary, take his badge which prevents him from having access during the period of the inquiry, and then if the decision is made for termination, then we process him out under escort.

Mr. ASPIN. Do you ever conduct a wiretap or surveillance of an employee that you suspect of being a security leak?

Mr. GAMBINO. Sir, that would be in violation of the Federal law for CIA to conduct a wiretap.

Mr. ASPIN. You didn't answer the question.

Mr. GAMBINO. No, sir.

Mr. ASPIN. Thank you.

What are the ground rules under which you conduct a background investigation of a person? Do you get their permission? Would you ever conduct a background investigation now, under current ground rules, of people who don't know that they are being considered for employment?

Mr. GAMBINO. No, sir, not a background investigation. We do feel under the Executive order—that we do have authority to make some inquiries as to a person's identity, develop some information concerning an individual to see whether or not he might be an individual that we would want to go to for assistance, but not a background investigation. I think in the *Weisman* case, it was pretty much decided that we would not be involved in things like that under the Attorney General's guidance, our own executive order——

Mr. ASPIN. How is the Executive order worded on that now? What does it say?

Mr. GAMBINO. It is, you can conduct inquiries—they are talking about records that are not publicly available—and inquired to establish identity and I think reliability or something like that. I could get it for you fairly quickly, I believe.

[Pause.]

Mr. GAMBINO. Here it is. It is information concerning persons who are reasonably believed to be potential sources or contacts but only for the purpose of determining the suitability or credibility of such persons.

Mr. ASPIN. OK. So, the surveillance is conducted solely for the purpose of——

Mr. GAMBINO. This, sir, is used very rarely. It is when we get a call from or are aware from a variety of sources, perhaps, that someone wants to meet with a representative of the Agency, or wants to see the Director, wants to see someone else because they have information they want to provide, we try to immediately develop something on that individual to see whether or not he is a crank or perhaps some persons are bent on doing harm to the Director or to see—to try to establish a little bit of his bona fides before we send a representative to a hotel or boarding house or someplace where the individual wants to meet. That is the primary purpose today.

Mr. ASPIN. Who is authorized to approve this kind of activity?

Mr. GAMBINO. Where we would not have a prior—where the individual would not have prior knowledge? Well, in today's atmosphere I would probably go to the Office of General Counsel and say we have a request here. However, if it was a fast acting, fast developing situation, an individual is at the airport—he has half an hour between planes—I would probably go ahead on my own and do it and talk to the General Counsel later.

Mr. ASPIN. I take it it does not happen very often?

Mr. GAMBINO. Not too often today, sir. Not too often that it is so spring loaded that I can't consult before we do it.

Mr. ASPIN. Is there anything that you can think of that would improve the procedures of the background or the whole security clearance procedure in terms of not only the CIA, perhaps, but other

agencies? What other areas ought we be looking at in terms of improving the product, improving the process?

Mr. GAMBINO. Well, I think that there is an obvious need throughout the executive branch to come with some agreed upon standards for background investigations leading to all the clearances, the collateral clearances, the confidential, secret and top secret, and I think we are moving towards that.

Right now, as you will find through your hearings already, has been indicated to you briefly, there is some inconsistency. We are aware of this through the Security Committee. I don't think it really is a hindrance, necessarily, but it does give us some concern when we are dealing in the intelligence business, and it will in the future when a large amount of our intelligence information will be broken out of the compartmented areas into the collateral areas, that we are not consistent in our requirements for the various clearances, and I think we could improve our efforts in that area, perhaps a new look at 10450. It was put out in 1953. A number of attempts have been made to revise it. Perhaps we should expend some more effort in that direction.

Mr. LATIMER. Mr. Gambino, you mentioned that all of your employees go through this clearance process. Is that true of the Director and the Deputy Director?

Mr. GAMBINO. Yes, sir.

Mr. LATIMER. CIA runs a background—

Mr. GAMBINO. No; the FBI does the background investigation but we do the polygraph in both cases, yes, sir.

Mr. LATIMER. Is that voluntary or—

Mr. GAMBINO. Presidential appointees, we only have two, and that is voluntary, yes, sir.

Mr. LATIMER. How about people assigned to you from other agencies, to either the CIA or the Director's staff, intelligence community staff?

Mr. GAMBINO. Everybody that is assigned or detailed to the CIA or to the Director's staff meets the same standards, and that includes a polygraph.

Mr. LATIMER. Including military personnel.

Mr. GAMBINO. Yes, sir.

Mr. LATIMER. As you mentioned, according to the National Security Act, the Director is responsible for the protection of intelligence sources and methods from unauthorized disclosure.

What legislative or other powers does he have to insist that other departments and agencies abide by his DCID 1/14? Suppose one agency or another were found not to be, in your judgment or his, really up to snuff? What could he really do about that?

Mr. GAMBINO. Well, he could not provide them the information.

Mr. LATIMER. If he had control over it.

Mr. GAMBINO. But, you know, as the Chairman of the NFIB and as the head of the national intelligence organization, and by the Executive order which very, very plainly spells out his authority in the national intelligence picture, I think gives him within the executive branch at least sufficient authority to require adherence to these standards.

Mr. LATIMER. You don't feel that there is any additional legislation needed to give him more authority in this area?

Mr. GAMBINO. Probably—well, I would have to defer to my colleagues in the legislative area for that.

Mr. LATIMER. You mentioned this new system several times that is coming along.

Can you give the Oversight Subcommittee some idea of when that will be far enough along so that they can either be briefed on it or—

Mr. GAMBINO. I am sure that it is far enough along that it could be briefed to you and so you could have a sense of what is trying to be accomplished and what the new system may look like.

Mr. ASPIN. How do employees over at the CIA look on the polygraph? What is the general reaction of people to the fact that they are polygraphed? Is that kind of a badge of honor, is it sort of something that they resent? What is—

Mr. GAMBINO. Well, we don't have a lot of people volunteering to take a polygraph, but I think it is part of the discipline of the Agency, and I think it is a reflection of the confidence that our people have in the way the polygraph is administered. It is not for frivolous reasons. We protect the information zealously. When we started our re-investigation polygraph program, the polygraph officers were the first to be repolygraphed, and then the Director of Security, the Deputy Directors were next, and on through the Security Office, and then through the hierarchy of the Agency so that the leaders, in effect, were polygraphed first.

I think our population accepts the need for repolygraph because of the nature of our business and because the repolygraph concentrates on the areas that we are most concerned with, and that is as someone who has been entrusted with information, handling it improperly, whether through carelessness or by intent, and it is I think very well accepted in the Agency, and perhaps it is a little bit of a badge of honor that we go through this extra step.

But it is an experience I think that we all would not like to see happen any more than is absolutely necessary.

Mr. ASPIN. What does it do to people's reaction when Stan Turner waived the requirement for that fellow?

What does it do to morale or reaction?

Mr. GAMBINO. Well, let's say there have been a lot of reactions to that.

And it is, you know, I think it is obvious that people are concerned.

Mr. ASPIN. It did not go by unnoticed.

Mr. GAMBINO. It did not. I think I can honestly say it did not go by unnoticed. But on the other hand, it is not something that is put in the closet someplace. I confirmed this information to an auditorium full of people, Agency employees, before the article came out in the newspaper. So it is not something that we were hiding.

Mr. ASPIN. Now, just one question that I forgot, just looking now at the list here.

Who covers contractors, consultants, people that come to work for the Agency on some part time basis? Are they covered by the same investigations, the same procedures?

Mr. GAMBINO. Contractors are covered by the same procedures, that is, the 15 year background investigation in all cases, or back through the 18th year. If they are in a position of extreme sensitivity, then we ask that they be polygraphed.



I can say that that program in industry has met with a great degree of acceptance, but that is not to say that all of our contractors have agreed to this procedure.

Mr. ASPIN. If a contractor resists being polygraphed, do you find another contractor, or is there something done to accommodate?

Mr. GAMBINO. Well, the option of finding another contractor sometimes is not available, and so then it is a balance of the equities, do we gain more by going with the contract without the polygraph or not going with the contract, and we just have to decide what we feel is best for the Agency in those cases.

Mr. ASPIN. Out of the contractors, what percentage, would you say, are polygraphed?

Mr. GAMBINO. Of the number of contractors' employees that have CIA clearances?

Mr. ASPIN. Yes.

Mr. GAMBINO. Oh, gee, sir, it is a guess. I would say maybe 2 percent.

Mr. ASPIN. So it is a very small number.

Mr. GAMBINO. Very small number, and it is only those that we feel are really in the most sensitive positions, that know that entire scope of the program.

Mr. ASPIN. How about consultants?

Mr. GAMBINO. Excuse me. And others that are in key positions like security officers, registry clerks, those who have the access and who if working, like a la Boyce, would by virtue of his position, although it is a very lowly paid one, could access tremendous amounts of information. They are also included in the polygraph program in industry.

Mr. ASPIN. How about consultants?

Mr. GAMBINO. Consultants, the same.

Mr. ASPIN. Some are, some aren't polygraphed?

Mr. GAMBINO. Well, I'll tell you, in most cases the consultants are subject to polygraph. If a person is coming in to consult one time on one issue, no, he wouldn't be.

Mr. ASPIN. But if it is a more regular basis, then they would be subject to the polygraph, too.

Mr. GAMBINO. Yes, sir.

Mr. ASPIN. And military personnel who work in the CIA on a temporary duty or assigned over there—

Mr. GAMBINO. If they are assigned or detailed; yes.

Mr. ASPIN. Then they are subject to the polygraph.

Mr. GAMBINO. Yes.

Mr. ASPIN. And they are just as if they were coming in as a CIA employee.

Mr. GAMBINO. Yes, sir, we receive the military assignee as a regular employee of the Agency. He is given the same badge as any other person at the Agency is given. He has access on a need-to-know basis without restriction throughout the Agency and throughout the Director's special staff. There is no difference in his access, and there is no difference in the security processing.

Mr. ASPIN. How many military employees are there now? Do you have that?

Mr. GAMBINO. I would have to get those figures for you, sir. It has grown somewhat just recently. I am just not up to date on it.

Mr. ASPIN. Roughly what are we talking about, how many employees?

Mr. GAMBINO. Maybe 250.

Mr. ASPIN. OK. And people who are temporarily assigned from other agencies, they would be treated the same, I mean, if somebody would be on temporary assignment from—

Mr. GAMBINO. Well, we are getting now, it is a little difficult to make a flat statement. If the person needed unescorted access to the Agency's buildings in order for him to do his job, then he would be polygraphed. If he could do the job by coming in periodically on an escorted basis, he would not be polygraphed.

Mr. ASPIN. Any other questions?

Nobody?

I want to thank you both very much for coming.

We appreciate your taking the time. It was very interesting.

Thank you.

[Whereupon, at 12:25 p.m., the subcommittee recessed subject to the call of the Chair.]